

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

MARLA GROTHOFF,

Plaintiff,

v.

JEREMIAH W. (JAY) NIXON,

Defendant.

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No. 04-4290-CV-C-WAK

NOTICE OF REMOVAL

Defendant Jeremiah W. (Jay) Nixon, pursuant to 28 U.S.C. § 1441(b) and 1446, hereby gives notice of the removal of this action to the United States District Court for the Western District of Missouri, Central Division from the Circuit Court of Boone County, Missouri. The grounds for removal are:

1. On or about October 12, 2004, an action was commenced by plaintiff against defendant in the Circuit Court of Boone County, Missouri, styled *Marla Grothoff v. Jeremiah W. (Jay) Nixon*, Case No. 04CV169234. The action is now pending before that court.

2. The action is a civil action pursuant to 42 U.S.C. § 12101-12217, and 29 U.S.C. § 794, seeking damages and costs.

3. The action is one in which the United States District Courts have original jurisdiction under 28 U.S.C. § 1331, in that it arises under the constitution, laws, or treaties of the United States.

4. The United States District Court for the Western District of Missouri, Central Division, is the appropriate court for filing of a notice of removal from the Circuit Court of Boone County, Missouri, where the action was commenced and is pending, and accordingly, defendant seeks to remove this action to the Central Division of the United States District Court for the Western District of Missouri.

5. Thirty days have not yet expired since defendant received copies of the initial pleadings setting forth plaintiff's claim for relief.

6. Immediately upon filing this notice of removal, defendant will file a copy of the notice with the clerk of the Circuit Court of Boone County, Missouri, and will provide written notice to counsel for plaintiff, in accordance with 28 U.S.C. § 1446(d).

7. Copies of all pleadings, process and orders served upon this defendant in the action are attached hereto in accordance with 28 U.S.C. § 1446(a).

8. This cause is removable to the United States District Court for the Western District of Missouri, Central Division, under the provisions of 28 U.S.C. § 1441(b) and other applicable statutes, and defendant has complied with such provisions.

WHEREFORE, defendant hereby gives notice of the removal of the above captioned action from the Circuit Court of Boone County, Missouri, to this Court.

Respectfully submitted,

JEREMIAH W. (JAY) NIXON
Attorney General

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed, postage prepaid, this 23rd day of November, 2004 to:

Dan J. Pingleton
Attorney at Law
Suite 402, The Guitar Building
28 North 8th Street
Columbia, MO 65201-7708
Attorney for Plaintiff

Assistant Attorney General